

REMARKS

Upon entry of the present amendment, claims 1, 2, 4-11, 13-15, 18, 19, 21, 22-35, 37, 40, 42, 45, and 46 will have been amended. In view of the herein contained amendments and remarks, Applicants respectfully request reconsideration and withdrawal of each of the outstanding rejections and an indication to such effect in due course.

Applicants wish to first note with appreciation the Examiner's indication that claims 10-31 are allowed and claims 4-9 and 35-41 would be allowable if rewritten in independent form.

Applicants respectfully request that the Examiner acknowledge Applicants' claim for foreign priority under 35 U.S.C. § 119 and the filing of the certified copies of the priority documents.

Turning to the merits, in the outstanding Official Action, the Examiner rejected claims 1-3, 32, 42, and 44 under 35 U.S.C. § 102(e) as being anticipated by KARLSSON et al. (U.S. Patent No. 6,018,663). The Examiner further rejected claims 43, 45 and 46 under 35 U.S.C. § 103(a) as being unpatentable over KARLSSON et al. Applicants respectfully traverse each of the above rejections and submit that they are inappropriate for at least the reasons set forth below.

The present invention is directed to the allocation of frequency allocations (FAs) to a plurality of sectors of a cell within mobile communication system. Each sector will have

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a number of fixed FAs and can also be allocated use of a number of dynamic FAs. For example, as shown in figure 10, the MSC will receive information from subscribers (S1010) and determine the number dynamic FAs and fixed FAs needed for each of the sectors within a cell. Thereafter, the switches, combiners (F/C) and multi-carrier power amplifiers (MCPA) are set for allocation of the number of dynamic FAs and fixed FAs needed for each of the sectors within a cell.

On the other hand, KARLSSON relates primarily to the allocation of frequency channels to cells in a cellular network by making signal quality measurements. See abstract and column 4, lines 35-65. KARLSSON does not allocate frequency in sectors of a base transceiver station (cell). Furthermore, KARLSSON is primarily related to a tuning method for improving the adjustment of the signal output from a filter. See column 5, line 48 - column 6, line 29. For example, KARLSSON discloses an "exclusionary bandwidth around each frequency that has been allocated to a particular base station".

In other words, KARLSSON does not disclose or relate to "determining... the number of dynamic FAs and the number of fixed FAs" or "switchably connecting the dynamic FAs" as recited in claim 1. Additionally, the portions of KARLSSON applied by the Examiner do not disclose or relate to "determining... the number of dynamic FAs and the number of fixed FAs based on the subscriber's information" or "grouping said N sectors into a plurality of groups based on subscriber's information", as is recited in claim 32.

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Because the applied reference of KARLSSON fails to disclose each and every element recited in independent claims 1 and 32, as noted above, the Examiner is respectfully requested to withdraw the rejection under 35 U.S.C. § 102.

Moreover, there is no suggestion or disclosure in KARLSSON that renders obvious the features of the present claimed invention.

With regard to dependent claims 2, 3, and 42-46, Applicant asserts that they are allowable on their own merit (i.e. based upon their own recitations) and at least because they depend on one of independent claims 1 and 32, which Applicants submit have been shown to be allowable.

The Examiner has also rejected claims 33-41 under 35 U.S.C. § 112, second paragraph as being indefinite. Applicants do not necessarily agree that the claims are properly rejected as indefinite under 35 U.S.C. § 112, second paragraph, nevertheless Applicants have amended claim 33 to address the Examiner's concerns. Applicants submit that the amended claims are definite and the 35 U.S.C. § 112, second paragraph rejection is moot.

Additionally, minor amendments have been made to claims 1, 2, 4-11, 13-15, 18, 19, 21, 22-35, 37, 40, 42, 45, and 46 in order to make the claim terminology of these claims more consistent. In these amendments, Applicants have made several changes to the language of the claims to render the same more self consistent, as well as more fully in compliance with

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U.S. syntax, idiom and grammar. These amendments do not change the scope of the claims but are merely cosmetic changes that give rise to no file wrapper estoppel.

In view of the fact that none of the art of record, whether considered alone or in any proper combination, discloses or suggests the present invention as defined by the pending claims, and in further view of the above remarks, reconsideration of the Examiner's action and allowance of the present application are respectfully requested and are believed to be appropriate.

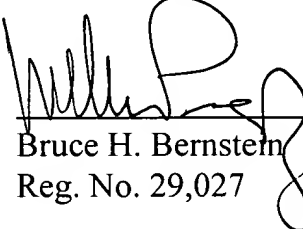
SUMMARY AND CONCLUSION

Applicants have made a sincere effort to place the present application in condition for allowance and believe that they have now done so.

Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,  
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